

**EXHIBIT 1 TO
EVANS DECLARATION
REDACTED VERSION**

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE: HIGH-TECH EMPLOYEE)
ANTITRUST LITIGATION)
) No. 11-CV-2509-LHK
THIS DOCUMENT RELATES TO:)
ALL ACTIONS.)
_____)

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VIDEO DEPOSITION OF ERIC SCHMIDT

FEBRUARY 20, 2013

Reported by: Rosalie A. Kramm, CSR No. 5469, CRR

15:18:48 1 A. No, but we could get you the hiring date of

15:18:50 2 [REDACTED]

15:19:02 3 Q. Okay. I want to move on now to a different but
15:19:09 4 related topic, and it has to do with Apple and the
15:19:12 5 agreements that Apple had, or policies as you described
15:19:14 6 them, and ask you first to take a look at Exhibit 669.

15:19:54 7 A. Okay.

15:19:58 8 Q. Exhibit 669 is an internal Apple document, as I
15:20:01 9 understand it, although it may be that it was available
15:20:05 10 on websites within Apple. You are probably more familiar
15:20:09 11 with it, I'm sure, than I am.

15:20:11 12 A. As I -- as I read this, this is a -- an
15:20:15 13 internal email in the Apple internal email system. And
15:20:19 14 it includes a document that was stored on their internal
15:20:22 15 mac os x server web. That is internal document from
15:20:30 16 Apple.

15:20:30 17 Q. All right. And it apparently lists a number of
15:20:35 18 companies that were on, at least according to the
15:20:39 19 document, Apple's do-not-call list.

15:20:42 20 A. That appears to be true.

15:20:43 21 Q. All right. As a member of the board of
15:20:46 22 directors, were you aware of the companies that Apple had
15:20:50 23 on its do-not-call list?

15:20:52 24 A. I was not.

15:20:53 25 Q. Do you know whether or not that was a topic

15:20:55 1 that was disclosed to the board of directors?

15:21:00 2 A. During the time I was on the board, we never
15:21:01 3 had such conversations.

15:21:05 4 Q. Was the board even aware -- strike that.

15:21:08 5 To your knowledge, was the board even aware
15:21:09 6 that such a list existed at Apple?

15:21:12 7 A. As I said, there was no discussion of any such
15:21:14 8 topic of any kind. Had it been discussed before I was on
15:21:19 9 the board, I wouldn't have known. So --

15:21:23 10 Q. I'm sorry?

15:21:24 11 A. It was never discussed in any meeting I was in
15:21:26 12 at Apple.

15:21:27 13 Q. Okay. Did you ever in your conversations with
15:21:29 14 Mr. Jobs talk about companies that Apple had on its
15:21:34 15 do-not-call list, aside from Google?

15:21:36 16 A. No. And -- and it may be helpful for me to say
15:21:39 17 that I was unaware of do-not-call policies in any
15:21:42 18 companies aside from Google. I mean I just -- the fact
15:21:47 19 that these existed was -- frankly this memo was quite
15:21:50 20 interesting to me.

15:21:51 21 Q. And why is that?

15:21:52 22 A. Because I didn't know these companies would be
15:21:53 23 on such a list.

15:21:58 24 Q. Did you not surmise, based upon your knowledge
15:22:03 25 of the Valley generally, that other companies like Google

15:22:07 1 would have lists similar to Google's list?

15:22:12 2 A. I never thought about it.

15:22:14 3 Q. Never crossed your mind?

15:22:15 4 A. No. It is not my problem. They're -- we try
15:22:22 5 to run our own company, not somebody else's. So --

15:22:27 6 Q. Well --

15:22:36 7 A. It is just the back division.

15:22:39 8 Q. Did you think that Google was unique in the
15:22:42 9 Valley having a list of this sort?

15:22:47 10 A. As I said, I didn't really think about it.

15:22:51 11 Because of the unique situation that was -- Google was

15:22:53 12 in, it would be perfectly reasonable from my perspective

15:22:59 13 that such lists did not exist or they had fell -- that

15:23:02 14 they had fallen off to the wayside, or what have you.

15:23:05 15 Q. And why is that?

15:23:06 16 A. Because as I indicated, during this period

15:23:09 17 Google was unusually favorable in terms of recruiting

15:23:11 18 talent, growth, press, great place to work. We were in

15:23:15 19 our golden period, if you will.

15:23:26 20 Q. And how does that relate to the notion of

15:23:29 21 thinking that Google was unique in having this list and

15:23:32 22 not knowing about any other companies similarly situated,

15:23:35 23 or being similarly situated?

15:23:40 24 A. Again, your question implies that I should have
15:23:43 25 been thinking about other companies.